

§ 1007.8

(iii) The plant is described in § 1000.8(a) or (e); or

(iv) A producer-handler described in § 1007.10 with less than three million pounds during the month of route disposition and/or transfers of packaged fluid milk products to other plants.

[64 FR 47971, Sept. 1, 1999, as amended at 71 FR 25498, May 1, 2006; 71 FR 28249, May 16, 2006]

§ 1007.8 Nonpool plant.

See § 1000.8.

§ 1007.9 Handler.

See § 1000.9.

§ 1007.10 Producer-handler.

Producer-handler means a person who:

(a) Operates a dairy farm and a distributing plant from which there is route disposition in the marketing area, and from which total route disposition and packaged sales of fluid milk products to other plants during the month does not exceed 3 million pounds;

(b) Receives no fluid milk products, and acquires no fluid milk products for route disposition, from sources other than own farm production;

(c) Disposes of no other source milk as Class I milk except by increasing the nonfat milk solids content of the fluid milk products received from own farm production; and

(d) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary to produce all Class I milk handled, and the processing and packaging operations, are the producer-handler's own enterprise and are operated at the producer-handler's own risk.

(e) Any producer-handler with Class I route dispositions and/or transfers of packaged fluid milk products in the marketing area described in § 1131.2 of this chapter shall be subject to payments into the Order 1131 producer settlement fund on such dispositions pursuant to § 1000.76(a) and payments into the Order 1131 administrative fund provided such dispositions are less than three million pounds in the current month and such producer-handler had total Class I route dispositions and/or transfers of packaged fluid milk prod-

7 CFR Ch. X (1–11 Edition)

ucts from own farm production of three million pounds or more the previous month. If the producer-handler has Class I route dispositions and/or transfers of packaged fluid milk products into the marketing area described in § 1131.2 of this chapter of three million pounds or more during the current month, such producer-handler shall be subject to the provisions described in § 1131.7 of this chapter or § 1000.76(a).

[64 FR 47971, Sept. 1, 1999, as amended at 71 FR 25499, May 1, 2006; 75 FR 21160, Apr. 23, 2010]

§ 1007.11 [Reserved]

§ 1007.12 Producer.

(a) Except as provided in paragraph (b) of this section, *producer* means any person who produces milk approved by a duly constituted regulatory agency for fluid consumption as Grade A milk and whose milk (or components of milk) is:

(1) Received at a pool plant directly from the producer or diverted by the plant operator in accordance with § 1007.13; or

(2) Received by a handler described in § 1000.9(c).

(b) Producer shall not include:

(1) A producer-handler as defined in any Federal order;

(2) A dairy farmer whose milk is received at an exempt plant, excluding producer milk diverted to the exempt plant pursuant to § 1007.13(d);

(3) A dairy farmer whose milk is received by diversion at a pool plant from a handler regulated under another Federal order if the other Federal order designates the dairy farmer as a producer under that order and that milk is allocated by request to a utilization other than Class I; and

(4) A dairy farmer whose milk is reported as diverted to a plant fully regulated under another Federal order with respect to that portion of the milk so diverted that is assigned to Class I under the provisions of such other order.

§ 1007.13 Producer milk.

Except as provided for in paragraph (e) of this section, *Producer milk* means the skim milk (or the skim equivalent

Agricultural Marketing Service, USDA

§ 1007.13

of components of skim milk) and but-
terfat contained in milk of a producer
that is:

(a) Received by the operator of a pool
plant directly from a producer or a
handler described in § 1000.9(c). All milk
received pursuant to this paragraph
shall be priced at the location of the
plant where it is first physically re-
ceived;

(b) Received by a handler described
in § 1000.9(c) in excess of the quantity
delivered to pool plants;

(c) Diverted by a pool plant operator
to another pool plant. Milk so diverted
shall be priced at the location of the
plant to which diverted; or

(d) Diverted by the operator of a pool
plant or a handler described in
§ 1000.9(c) to a nonpool plant, subject to
the following conditions:

(1) In any month of January through
June, not less than 1 days' production
of the producer whose milk is diverted
is physically received at a pool plant
during the month;

(2) In any month of July through De-
cember, not less than 1 days' produc-
tion of the producer whose milk is di-
verted is physically received at a pool
plant during the month;

(3) The total quantity of milk so di-
verted during the month by a coopera-
tive association shall not exceed 25 per-
cent during the months of July
through November, January, and Feb-
ruary, and 35 percent during the
months of December and March
through June, of the producer milk
that the cooperative association caused
to be delivered to, and physically re-
ceived at, pool plants during the
month, excluding the total pounds of
bulk milk received directly from pro-
ducers meeting for conditions as de-
scribed in § 1007.82(c)(2)(ii) and (iii), and
for which a transportation credit is re-
quested;

(4) The operator of a pool plant that
is not a cooperative association may
divert any milk that is not under the
control of a cooperative association
that diverts milk during the month
pursuant to paragraph (d) of this sec-
tion. The total quantity of milk so di-
verted during the month shall not ex-
ceed 25 percent during the months of
July through November, January, and
February, and 35 percent during the

months of December and March
through June of the producer milk
physically received at such plant (or
such unit of plants in the case of plants
that pool as a unit pursuant to
§ 1007.7(e)) during the month, excluding
the quantity of producer milk received
from a handler described in § 1000.9(c),
excluding the total pounds of bulk
milk received directly from producers
meeting for conditions as described in
§ 1007.82(c)(2)(ii) and (iii), and for which
a transportation credit is requested;

(5) Any milk diverted in excess of the
limits prescribed in paragraphs (d)(3)
and (4) of this section shall not be pro-
ducer milk. If the diverting handler or
cooperative association fails to des-
ignate the dairy farmers' deliveries
that will not be producer milk, no milk
diverted by the handler or cooperative
association shall be producer milk;

(6) Diverted milk shall be priced at
the location of the plant to which di-
verted; and

(7) The delivery day requirements
and the diversion percentages in para-
graphs (d)(1) through (4) of this section
may be increased or decreased by the
market administrator if the market
administrator finds that such revision
is necessary to assure orderly mar-
keting and efficient handling of milk
in the marketing area. Before making
such a finding, the market adminis-
trator shall investigate the need for
the revision either on the market ad-
ministrator's own initiative or at the
request of interested persons. If the in-
vestigation shows that a revision
might be appropriate, the market ad-
ministrator shall issue a notice stating
that the revision is being considered
and inviting written data, views, and
arguments. Any decision to revise an
applicable percentage must be issued in
writing at least one day before the ef-
fective date.

(e) Producer milk shall not include
milk of a producer that is subject to in-
clusion and participation in a
marketwide equalization pool under a
milk classification and pricing pro-
gram imposed under the authority of a

§ 1007.14

State government maintaining marketwide pooling of returns.

[64 FR 47971, Sept. 1, 1999, as amended at 70 FR 59223, Oct. 12, 2005; 71 FR 62379, Oct. 25, 2006; 73 FR 14162, Mar. 17, 2008; 73 FR 26315, May 9, 2008]

§ 1007.14 Other source milk.

See § 1000.14.

§ 1007.15 Fluid milk product.

See § 1000.15.

§ 1007.16 Fluid cream product.

See § 1000.16.

§ 1007.17 [Reserved]

§ 1007.18 Cooperative association.

See § 1000.18.

§ 1007.19 Commercial food processing establishment.

See § 1000.19.

HANDLER REPORTS

§ 1007.30 Reports of receipts and utilization.

Each handler shall report monthly so that the market administrator's office receives the report on or before the 7th day after the end of the month, in the detail and on prescribed forms, as follows:

(a) With respect to each of its pool plants, the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the reporting handler, from sources other than handlers described in § 1000.9(c);

(2) Receipts of milk from handlers described in § 1000.9(c);

(3) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(4) Receipts of other source milk;

(5) Receipts of bulk milk from a plant regulated under another Federal order, except Federal Order 1005, for which a transportation credit is requested pursuant to § 1007.82;

(6) Receipts of producer milk described in § 1007.82(c)(2), including the identity of the individual producers whose milk is eligible for the transportation credit pursuant to that para-

7 CFR Ch. X (1–1–11 Edition)

graph and the date that such milk was received;

(7) For handlers submitting transportation credit requests, transfers of bulk milk to nonpool plants, including the dates that such milk was transferred;

(8) Inventories at the beginning and end of the month of fluid milk products and bulk fluid cream products; and

(9) The utilization or disposition of all milk and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraphs (a)(1), (a)(2), (a)(3), (a)(4), and (a)(8) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. The report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1000.9(c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers;

(2) The utilization or disposition of all such receipts; and

(3) With respect to milk for which a cooperative association is requesting a transportation credit pursuant to § 1007.82, all of the information required in paragraphs (a)(5), (a)(6), and (a)(7) of this section.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to its receipts and utilization of milk and milk products in such manner as the market administrator may prescribe.

§ 1007.31 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler that operates a pool plant pursuant to § 1007.7 and each handler described in § 1000.9(c) shall report to the market administrator its producer payroll for the month, in detail prescribed by the market administrator, showing for each producer the information specified in § 1007.73(e).

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to